



ISSUED DATE: FEBRUARY 17, 2020

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2019OPA-0828

**Allegations of Misconduct and the Director's Findings**

**Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 6. Employees May Use Discretion	Allegation Removed
# 2	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	Sustained
# 3	15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Sustained

**Imposed Discipline**

One day suspension
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**EXECUTIVE SUMMARY:**

The Complainant alleged that the Named Employee violated policy when he did not adequately investigate a serious assault perpetrated against her and when he failed to complete a report.

**SUMMARY OF INVESTIGATION:**

Named Employee #1 (NE#1) and another officer were dispatched to a call concerning an injured woman found outside of an apartment building. The injured woman was later identified as the Complainant. OPA reviewed the Body Worn Video (BWV) from NE#1's initial response to the Complainant's apartment building. The video depicted the Complainant with significant injuries to her head and face and a large quantity of blood on the ground. NE#1 spoke with the Complainant but she was groaning and was largely unable to describe what had occurred. She indicated that she had been at a pub earlier. NE#1 obtained the Complainant's identification from her purse. NE#1 interviewed an individual who found the Complainant and obtained that individual's contact information.

NE#1 then went into the Complainant's apartment building and made contact with her then boyfriend. Prior to asking the boyfriend any questions, NE#1 informed him that the Complainant had been at a bar and was found injured outside of their apartment. In response, the boyfriend indicated that he had been in the apartment all night and said that he did not know where the Complainant had been. NE#1 did not ask any probing questions, including not querying the boyfriend about the status of their relationship, whether they fought or argued earlier that evening, or what else



may have occurred that day that could be relevant to the investigation. NE#1 further did not obtain the boyfriend's identifying information or, for that matter, run his name through his MDT system.

NE#1 then went to the pub where he spoke with the bartender. The bartender stated that the Complainant was not in the pub for very long. Another bystander stated that she was driven to the pub in a white pickup truck. NE#1 went to the rear of the pub to look for the white pickup truck but did not locate it. NE#1 did not canvas for any other witnesses or evidence. He further did not identify the bartender, the bystander, or any other witnesses. Lastly, NE#1 did not try to obtain video from either the pub or from the apartment building. All in all, NE#1's investigation lasted for less than 20 minutes (18:37).

NE#1 did not complete a report documenting his investigation. The CAD Call Report indicated that the incident was cleared, and it noted that no report was written.

The Complainant subsequently contacted a department supervisor and complained that NE#1 failed to adequately investigate the assault perpetrated against her. She further wrote a detailed email to that supervisor explaining each of her allegations against NE#1. That supervisor referred her concerns to NE#1's current supervisor. NE#1's supervisor spoke with the Complainant. The supervisor also spoke with NE#1. The supervisor relayed that NE#1 seemed surprised by the extent of the Complainant's injuries. OPA could not find any indication that the supervisor counseled NE#1 or that the supervisor issued NE#1 a PAS. However, the supervisor stated that, at a minimum, his expectation was that this type of incident would have been documented by NE#1 in a report. The supervisor subsequently directed NE#1 to write a report concerning the incident. NE#1 did so and also spoke with the Complainant over the phone. The supervisor ultimately made an OPA referral based on the Complainant's request that he do so. OPA's investigation ensued.

As part of its investigation, OPA reviewed the email sent by the Complainant concerning her complaints against NE#1. In that email, the Complainant stated that she spent the evening playing pool at the Pinehurst Pub. She indicated that her memory was spotty and that the next thing she remembered was waking up in Harborview Medical Center (HMC). She described that she suffered significant injuries.

She contended that NE#1 conducted an inadequate investigation. She said that NE#1 did not search for video footage from either the bar to determine who she left with or her apartment complex where she was later found and that any video that did exist was now taped over. She noted that NE#1 never tried to interview her at a time when she was not in shock from her injuries and that he did not come to HMC to speak with her and to determine her welfare. She stated that she later obtained the CAD for this incident and, at that time, determined that NE#1 had not written a report. She felt that this was improper. She further indicated that, until she contacted SPD to complain, she had received no information from SPD regarding the investigation into this matter. She lastly stated that NE#1's inaction in this case caused her significant distress.

OPA interviewed the Complainant, NE#1, the other officer who responded to the incident, and NE#1's supervisor.

OPA also reviewed the Complainant's medical records and photographs of her injuries. This evidence confirmed that her injuries were severe and that she required significant medical treatment.

**ANALYSIS AND CONCLUSIONS:**



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**Named Employee #1 - Allegations #1**

***5.001 - Standards and Duties 6. Employees May Use Discretion***

OPA finds that NE#1 violated SPD policy when he failed to conduct an adequate investigation into this matter and when he did not complete a report. While OPA finds that, when he did so, NE#1 abused his discretion, OPA believes that this allegation is duplicative of Allegations #2 and #3. As such, OPA recommends that it be removed.

Recommended Finding: **Allegation Removed**

**Named Employee #1 - Allegation #2**

***15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report***

SPD Policy 15.180-POL-5 requires officers to complete a primary investigation into reports of criminal conduct. Officers are further instructed to complete reports regarding those investigations. Lastly, the documentation generated by officers must be complete, thorough, and accurate.

OPA finds that, under the circumstances of this incident, NE#1 should have completed a report. As discussed above, he responded to a call of a badly injured woman whose injuries occurred in an unknown fashion. It was inordinately unlikely that she slipped and fell and, instead, it appeared that she had been subjected to a felony assault. However, instead of fully exploring this incident, NE#1 conducted a cursory and incomplete investigation. Moreover, he closed this case out without documenting any of the information he learned or the investigatory steps he took in a report.

OPA's conclusion is buttressed by the statement by NE#1's supervisor that, at a minimum, he expected NE#1 to write a report. OPA agrees and, accordingly, recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #3**

***15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

SPD Policy 15.180-POL-1 concerns primary investigations and directs officers to conduct a thorough and complete search for evidence.

NE#1 failed to comply with this policy during this incident in a number of respects. First, he failed to canvas for video from either the pub or the apartment building. Video from the pub could have shown who the Complainant arrived and left with, while video from the apartment building could have captured the assault. Unfortunately, by the time NE#1 conducted additional investigation at the behest of his supervisor, any video that existed would have been taped over. Second, NE#1 failed to conduct a comprehensive search for witnesses. Moreover, he failed to get identifying information for all except one of the witnesses that he spoke with. Third, NE#1's interview of the boyfriend, who was a potential suspect of that time, was lacking. Notably, NE#1 failed to ask any questions exploring whether the boyfriend could have been the perpetrator. Instead, NE#1 gave the boyfriend information concerning where the Complainant had been and where she was found all before asking him any substantive questions. He also did not run the boyfriend's name through his MDT system, which could have revealed whether there were any prior domestic disputes between the boyfriend and the Complainant or any other information suggesting his potential involvement. Fourth, aside from speaking to the Complainant when she was in pain on the ground and likely in



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shock, NE#1 did not try to interview her at the hospital, or at any other time, to determine what she recalled of what occurred.

It is important to note that this case was not a simple misdemeanor – the Complainant had likely been subjected to a felony assault. The significance of this crime increased the expectation that NE#1 would complete a thorough and complete investigation. Unfortunately, NE#1 did not do so here and, to the contrary, conducted an inadequate investigation and search for evidence. This is simply inconsistent with the Department’s expectations of his conduct. As such, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**